

JAN. 22, 2004 5:05PM

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CERTIFICATE OF FACSIMILE

I hereby certify that this PETITION UNDER 37 CFR §1.37(b) is being transmitted via facsimile to the facsimile central number (703) 872-9306 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22d day of January, 2004.

Signed: Debra A. White

Printed Name: Debra A. White

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	)	09/779,799	Confirmation No. 6750
Applicant	)	Avinger, et al.	
Filed	)	February 8, 2001	
TC/A.U.	)	3632	
Examiner	)	Ko Hung Chan	
For.	)	ADJUSTABLE WREATH HANGER	
Docket No.	)	19427/04099	
Customer No.	)	24024	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 140  
Alexandria, VA 22313-1450

TRANSMITTAL OF  
SECOND RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

Transmitted herewith is a Second Renewed Petition to revive the above-identified application. Also submitted herewith are the following:

Fee Transmittal, in duplicate, with authorization to charge deposit account

Request for Extension of Time, in duplicate, with authorization to charge deposit account

Request for Continued Examination (RCE), with authorization to charge deposit account

Preliminary Amendment responsive to the Office Action mailed on October 21, 2002

Petitioner/Applicant notes that this Second Renewed Petition was previously sent to the Patent Office, to the Petitions Fax number provided on the Decision on the Petition (paper No. 13; 703-308-6916) on September 30, 2003, upon receipt from an Office Action from the Examiner indicating that the First Renewed Petition was not accepted because the proposed reply

(DHD1439.DOC;1)

did not constitute a proper reply under 37 CFR 1.113(a). With respect to the submission on September 30, 2003, Petitioner/Applicant's internal records indicate that the facsimile was transmitted in full. However, per a conversation with the Petitions Attorney, Alesia M. Brown, there is no evidence that the petition was received. Accordingly, Petitioner/Applicant is resubmitting the Second Renewed Petition, which is a duplicate of that sent on September 30, 2003. Petitioner/Applicant believes that no additional fees are required other than those indicated on the RCE and Extension of Time and Fee Transmittal forms submitted herewith. If there are additional fees due, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172.

Respectfully submitted,

Date: Jan 22, 2004 By: D.H.D.  
Diane H. Dobrea, Reg. No. 48,578  
(216) 622-8485

(DHD1439.DOC;1)2

**CALFEE, HALTER & GRISWOLD LLP**

January 22, 2004

**TO: United States Patent and Trademark Office:  
PETITION UNDER 37 C.F.R. § 1.137(b)****CONFIRMATION  
PHONE NUMBER: (703) 308-1202****FAX NUMBER: 703-872-9306  
SEND ONLY TO THE ABOVE FAX NUMBER: X****RECEIVED  
CENTRAL FAX CENTER****FROM: Diane H. Dobrea, Reg. No. 48,578  
DIRECT DIAL PHONE NUMBER: 216-622-8485**

JAN 22 2004

**OFFICIAL****CLIENT NO.: 19427****MATTER NO.: 04099****CLIENT NAME: Emerald Innovations****NUMBER OF PAGES (including this page): 23****MESSAGE:****PETITION UNDER 37 C.F.R. § 1.137(b); REQUEST FOR EXTENSION OF TIME; RCE; AMENDMENT**

**RE: Application of Avinger  
Serial No.: 09/779,799  
Filed: February 08, 2001  
Examiner: K. Chan; Art Unit: 3632**

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1390)

## Complete if Known

Application Number	09/779,799
Filing Date	February 8, 2001
First Named Inventor	Avinger
Examiner Name	Chan
Art Unit	3632
Attorney Docket No.	19427/04099

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number 03-0172  
 Deposit Account Name Calfee, Halter & Griswold

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=
Multiple Dependent	- 3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2) (\$)</b>			

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	1005
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1390)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Diane H. Dobrea	Registration No. (Attorney/Agent)	48,578	Telephone	218-622-8485
Signature				Date	January 22, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.